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8 Attorney for Plaintiff
9 SHANNA MARIE BERMODES
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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION
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17 SHANNA MARIE BERMODES,
18 Plaintiff,
19 v.
20 COMMISSIONER OF SOCIAL
21 SECURITY,
22 Defendant.
23
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25 Case No. 2:25-cv-00153-CKD
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28 STIPULATION FOR THE AWARD AND
PAYOUT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT;
ORDER

19 IT IS HEREBY STIPULATED by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
21 attorney fees and expenses in the amount of \$8,229.77, under the Equal Access to
22 Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$405.00 in costs under 28 U.S.C. § 1920.
23 This amount represents compensation for all legal services rendered on behalf of
24 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
25 §§ 2412(d), 1920.

26 After the Court issues an order for EAJA fees to Plaintiff, the government will
27 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
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1 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
2 to honor the assignment will depend on whether the fees are subject to any offset
3 allowed under the United States Department of the Treasury's Offset Program. After
4 the order for EAJA fees is entered, the government will determine whether they are
5 subject to any offset.

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
7 determines that Plaintiff does not owe a federal debt, then the government shall cause
8 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel,
9 Francesco Benavides, pursuant to the assignment executed by Plaintiff. Payments
10 may be made by electronic fund transfer (EFT) or by check.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for
12 EAJA attorney fees and does not constitute an admission of liability on the part of
13 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
14 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
15 Francesco Benavides, including the Law Offices of Francesco Benavides, may have
16 relating to EAJA attorney fees in connection with this action.

17 This award is without prejudice to the rights of Francesco Benavides to seek
18 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings
19 clause provisions of the EAJA.

21 Respectfully submitted,

23 Dated: July 15, 2025

24 Law Offices of Francesco Benavides

25 By: /s/ Francesco Benavides
26 FRANCESCO P. BENAVIDES
27 Attorney for Plaintiff

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3 Dated: July 15, 2025

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7 MICHELLE BECKWITH
8 Acting United States Attorney
9 MATHEW W. PILE
10 Associate General Counsel
11 Social Security Administration

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14 By: David Priddy*
15 DAVID PRIDDY
16 Special Assistant U.S. Attorney
17 Attorneys for Defendant
18 (*Permission to use electronic signature
19 obtained via email on July 14, 2025).
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ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that:

1. The parties' Stipulation for Award and Payment of Attorney pursuant to the Equal Access to Justice Act (ECF No. 15) is GRANTED; and
2. Fees and expenses in the amount of \$8,229.77 as authorized by 28 U.S.C. § 2412, and \$405.00 in costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Dated: July 16, 2025

Carolyn K. Delaney
CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE